

THE HONORABLE JOHN H. CHUN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL TRADE COMMISSION, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., a corporation,

Defendant.

CASE NO.: 2:23-cv-01495-JHC

NOTICE OF RELATED CASE

Pursuant to Local Civil Rule 3(g)(1), Plaintiffs Federal Trade Commission (“FTC”) and states of New York, Connecticut, Pennsylvania, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Oregon, Rhode Island, and Wisconsin (collectively, “Plaintiffs”) submit this notice of the following related case: *Hopper v. Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash.) (“*Hopper*”), filed on October 3, 2023. This Court currently presides over *Hopper*.

Hopper is a putative class action brought on behalf of “[a]ll individuals or organizations who purchased a product offered for sale by Amazon’s third-party sellers on the Amazon Marketplace where the third-party seller offers the product using Amazon’s fulfillment services” and “[a]ll individuals or organizations who purchased through any other retail e-commerce channel in the US, other than Amazon Marketplace, a product that was concurrently offered for

1 sale by Amazon’s third party sellers on Amazon Marketplace.” Complaint, *Hopper v.*
 2 *Amazon.com, Inc.*, No. 2:23-cv-01523 (W.D. Wash. Oct. 3, 2023), Dkt. #1 at 29. The *Hopper*
 3 plaintiffs bring antitrust claims for violations of Section 1 and Section 2 of the Sherman Act, the
 4 Washington Consumer Protection Act, and California’s Cartwright Act.

5 Like Plaintiffs in this case, the *Hopper* plaintiffs allege that Amazon denies shoppers
 6 lower prices both on and off Amazon by punishing sellers who offer lower prices off Amazon.
 7 *See, e.g.*, Complaint, *FTC, et al., v. Amazon.com, Inc.*, 2:23-cv-01495-JHC (W.D. Wash. Sept.
 8 26, 2023), Dkt. #1 at 83-87. Plaintiffs and the *Hopper* plaintiffs both also allege that Amazon
 9 coerces sellers into using Amazon’s fulfillment service. *See, e.g., id.* at 102-04. However,
 10 Plaintiffs challenge that conduct under Section 5 of the FTC Act and numerous state laws not at
 11 issue in *Hopper*. Plaintiffs also challenge Amazon conduct that is not at issue in *Hopper* under
 12 both federal and state laws.

13 Plaintiffs’ case differs from and is broader than *Hopper*. However, Plaintiffs’ case
 14 involves certain overlapping factual and legal issues with *Hopper*. Plaintiffs’ case and *Hopper*
 15 address some of the same conduct engaged in by Amazon, and Plaintiffs’ case and *Hopper*
 16 concern many of the same transactions and events, including purchases made on Amazon’s
 17 online store and certain of the restrictions Amazon imposes on sellers. Accordingly, it is “likely
 18 that there will be an unduly burdensome duplication of labor and expense or the potential for
 19 conflicting results if the cases are conducted before different judges.” Local Rules W.D. Wash.
 20 LCR 3(g)(4).

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 22 Dated: October 10, 2023

Respectfully submitted,

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